

By: Ellis

S.B. No. 155

A BILL TO BE ENTITLED

1 AN ACT

2 relating to reports regarding the consideration of certain factors
3 by public and private institutions of higher education in
4 admissions.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter H, Chapter 51, Education Code, is
7 amended by adding Section 51.4034 to read as follows:

8 Sec. 51.4034. ANNUAL REPORT ON FACTORS CONSIDERED IN
9 ADMISSIONS DECISIONS. (a) Not later than July 1 of each year, each
10 public or private institution of higher education in this state
11 shall provide to the Texas Higher Education Coordinating Board and
12 to the chair of each legislative standing committee or subcommittee
13 with primary jurisdiction over higher education, and shall make
14 available to the public on the institution's website, a report
15 regarding whether, in admitting applicants to any undergraduate,
16 graduate, postgraduate, or professional degree program, the
17 institution or any school or department of the institution
18 considers:

19 (1) an applicant's race, color, ethnicity, or national
20 origin; or

21 (2) whether a family member of the applicant has
22 previously attended the institution, is a donor to the institution,
23 or is otherwise associated with the institution.

24 (b) If the public or private institution of higher education

1 or a school or department of the institution considers race, color,
2 ethnicity, or national origin in making admissions decisions as
3 described by Subsection (a)(1), the report must contain the
4 following information with respect to the institution, school, or
5 department, as applicable:

6 (1) for any group identified by race, color,
7 ethnicity, or national origin that is considered in admissions
8 decisions, how membership in that group is determined for
9 individual applicants;

10 (2) how membership in that group is considered in
11 admissions decisions, including:

12 (A) the weight given to consideration of
13 membership in that group; and

14 (B) the use of any targets, quotas, or other
15 numbers-based goals for that group;

16 (3) why membership in that group is considered in
17 admissions decisions, including:

18 (A) the degree to which members of that group are
19 represented at the institution, school, or department; and

20 (B) any correlation between the admission of
21 those group members and the educational goals of the institution,
22 school, or department, including any goal to increase diversity in
23 the student population;

24 (4) if membership in that group is considered in
25 admissions decisions because of an educational goal of the
26 institution, school, or department, what consideration has been
27 given to any available alternatives, including alternatives that

1 are neutral with respect to race, color, ethnicity, or national
2 origin, for achieving that goal;

3 (5) how frequently and in what manner the institution,
4 school, or department reassesses the need to consider membership in
5 that group in admissions decisions;

6 (6) an analysis of the correlation between membership
7 in any group given preference in admissions decisions on account of
8 race, color, ethnicity, or national origin and:

9 (A) the enrollment rates of members of that group
10 in remedial or developmental programs relative to members of other
11 groups;

12 (B) the graduation rates of members of that group
13 relative to members of other groups; and

14 (C) the rate of default by members of that group
15 on education loans relative to members of other groups; and

16 (7) any factors other than race, color, ethnicity, or
17 national origin for which information is collected for use in the
18 admissions decisions covered by the report.

19 (c) To enable a statistical comparison of the weight given
20 to race, color, ethnicity, or national origin relative to the
21 factors described by Subsection (b)(7), if the factors disclosed
22 under that subdivision include high school grades, grade point
23 averages, or class rank, scores on standardized tests, including
24 the ACT or SAT, legacy status, gender, state residency, or other
25 quantifiable criteria, the public or private institution of higher
26 education must provide the following information with the report in
27 a standard computer-readable format:

1 (1) all quantifiable or other computer-readable raw
2 admissions data linked to specific applicants, including the
3 applicants' race, color, ethnicity, or national origin, as
4 applicable; and

5 (2) the admissions decisions made by the institution,
6 school, or department regarding those applicants.

7 (d) The information required by Subsection (c) may not
8 identify the applicants by name or in another manner that would
9 enable a person to identify an individual applicant using the data.

10 (e) If the public or private institution of higher education
11 or a school or department of the institution considers a factor
12 described by Subsection (a)(2) in making admissions decisions, the
13 report must contain the following information with respect to the
14 institution, school, or department, as applicable:

15 (1) how the relevant information is determined for
16 individual applicants;

17 (2) how the factor is considered in admissions
18 decisions, including the weight given to consideration of the
19 factor;

20 (3) why the factor is considered in admissions
21 decisions, including the degree to which applicants identified as
22 sharing that factor are represented at the institution, school, or
23 department; and

24 (4) how frequently and in what manner the institution,
25 school, or department reassesses the need to consider the factor in
26 admissions decisions.

27 (f) Students of a private or independent institution of

1 higher education that does not substantially comply with this
2 section as determined by the Texas Higher Education Coordinating
3 Board are ineligible for tuition equalization grants under
4 Subchapter F, Chapter 61.

5 SECTION 2. Each public or private institution of higher
6 education in this state shall submit the first report required by
7 Section 51.4034, Education Code, as added by this Act, not later
8 than July 1, 2010.

9 SECTION 3. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2009.